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08/581,387

APPLICATION NUMBER 08/581,387	FILING DATE 12/28/95	HORI	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO. R	HORI 101AXCO
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F3M1/1205

EXAMINER
LEUBCKER, J

ART UNIT
3302

PAPER NUMBER
24

12/05/96

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 12/28/95

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 50, 52, 56-65, 67-73, and 75-78 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 50, 52, 56-65, 67-73, and 75-78 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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Claim Objections

1. Claim 65 is objected to because of the following informalities: the two commas together in line 7 is improper. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 68, 69, and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 68, term "tube" in line 5 lacks antecedence. It appears that this should be --tube assembly--.

As to claims 69 and 70, term "proximal ends" lacks antecedence. It appears that this should be --first ends--.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 63 is rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (U.S. Pat. 4,488,039) for the reasons set forth in numbered paragraph 3 of the previous Office Action, paper number 19.

Claim Rejections - 35 USC § 103

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5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 50, 52, and 57 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sato in view of Kawahara (U.S. Pat. 3,819,267) for the reasons set forth in numbered paragraph 6 of the previous Office Action, paper number 19.

7. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato and Kawahara as applied to claim 50 above, and further in view of Lia (U.S. Pat. 5,222,477) for the reasons set forth in numbered paragraph 10 of the previous Office Action, paper number 19.

8. Claims 64, 65, 67, 71, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Kawahara for the reasons set forth in numbered paragraph 7 of the previous Office Action, paper number 19.

9. Claims 58-61, 68, 69, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato and Kawahara as applied to claims 50 and 64 above, and further in view of Wallace (U.S. Pat. 3,294,085) for the reasons set forth in numbered paragraph 9 of the previous Office Action, paper number 19.

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10. Claims 58-60, 62, 68, 70, 73, and 75-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato and Kawahara as applied to claims 50 and 64 above, and further in view of Richards (U.S. Pat. 3,091,235) for the reasons set forth in numbered paragraph 8 of the previous Office Action, paper number 19.

11. **REMARKS**

Applicant's preliminary amendment filed December 28, 1995, has overcome the 35 USC 112 rejections made in the Final Office Action of the parent application with respect to claims 62, 65, and 76. Since substantive amendments made to the claims, particularly claims 50, 63, and 73, involve subject matter previously rejected in dependent claim form, the rejections applied in the previous Office Action are substantially the same and thus have been repeated.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kennedy et al. (U.S. Pat. 5,575,757)--note focusing mechanism which bidirectionally moves the imaging device with respect to the lens assembly for focusing.


13. This is a File Wrapper Continuation of applicant's earlier Application No. 08/067,140. All claims are drawn to the same invention claimed in the earlier application and could have been

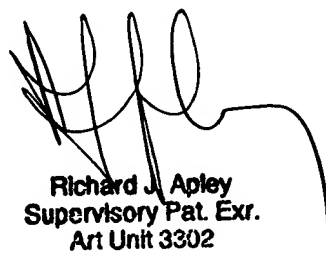
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finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Leubecker whose telephone number is (703) 308-0951 and FAX number is (703)308-2864.

J. Leubecker 
December 2, 1996.


Richard J. Apley
Supervisory Pat. Exr.
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